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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To amend the Federal Trade Commission Act to permit a bipartisan majority of Commissioners to hold a meeting that is closed to the public to discuss official business.

IN THE HOUSE OF REPRESENTATIVES

Mr. OLSON introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Federal Trade Commission Act to permit a bipartisan majority of Commissioners to hold a meeting that is closed to the public to discuss official business.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freeing Responsible
5 and Effective Exchanges Act” or the “FREE Act”.

1 **SEC. 2. NONPUBLIC COLLABORATIVE DISCUSSIONS.**

2 The Federal Trade Commission Act (15 U.S.C. 41
3 et seq.) is amended by inserting after section 26 the fol-
4 lowing:

5 **“SEC. 27. NONPUBLIC COLLABORATIVE DISCUSSIONS.**

6 “(a) IN GENERAL.—Notwithstanding section 552b of
7 title 5, United States Code, a bipartisan majority of Com-
8 missioners may hold a meeting that is closed to the public
9 to discuss official business if—

10 “(1) a vote or any other agency action is not
11 taken at such meeting;

12 “(2) each person present at such meeting is a
13 Commissioner or an employee of the Commission;
14 and

15 “(3) an attorney from the Office of General
16 Counsel of the Commission is present at such meet-
17 ing.

18 “(b) DISCLOSURE OF NONPUBLIC COLLABORATIVE
19 DISCUSSIONS.—Not later than 2 business days after the
20 conclusion of a meeting held under subsection (a), the
21 Commission shall publish on its Internet website a disclo-
22 sure of such meeting, including—

23 “(1) a list of the persons who attended such
24 meeting; and

25 “(2) a summary of the matters discussed at
26 such meeting, except for such matters as the Com-

1 mission determines may be withheld under section
2 552b(c) of title 5, United States Code.

3 “(c) PRESERVATION OF OPEN MEETINGS REQUIRE-
4 MENTS FOR AGENCY ACTION.—Nothing in this section
5 shall limit the applicability of section 552b of title 5,
6 United States Code, with respect to a meeting of Commis-
7 sioners other than that described in subsection (a).

8 “(d) DEFINITIONS.—In this section:

9 “(1) AGENCY ACTION.—The term ‘agency ac-
10 tion’ has the meaning given such term in section
11 551 of title 5, United States Code.

12 “(2) BIPARTISAN MAJORITY.—The term ‘bipar-
13 tisan majority’ means, when used with respect to a
14 group of Commissioners, that such group—

15 “(A) is a group of 3 or more Commis-
16 sioners; and

17 “(B) includes, for each political party of
18 which any Commissioner is a member, at least
19 1 Commissioner who is a member of such polit-
20 ical party, and, if any Commissioner has no po-
21 litical party affiliation, at least one unaffiliated
22 Commissioner.”.